



Legislation Details (With Text)

File #: 21-0295 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 2/21/2021 **In control:** City Council

On agenda: 3/2/2021 **Final action:** 3/2/2021

Title: Pass the ordinance granting a deviation to the 35' platted building line for the property located at 426 S. Columbia Street - PZC 21-1-005

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Exhibit C - Standards, 5. Application, 6. Disclosure of Beneficiaries, 7. Elevations, 8. Existing Conditions and Development Plan, 9. Plat of Survey

Date	Ver.	Action By	Action	Result
3/2/2021	1	City Council	passed	

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Pass the ordinance granting a deviation to the 35' platted building line for the property located at 426 S. Columbia Street - PZC 21-1-005

DEPARTMENT: Transportation, Engineering and Development

SUBMITTED BY: Gabrielle Mattingly, Community Planner

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

The petitioner, Christopher Derrick, on behalf of the owner Bakir Doriwala, is proposing to deviate from the 35' platted building line in order to construct a single-family residence at 426 S. Columbia Street. The property is currently zoned R1B (Medium Density Single-Family Residence District) and was recorded as Lot 29 and the south half of Lot 30 of the Arthur T. McIntosh and Company's Naperville Highlands in 1926 with a 35' platted building line. The 13,029sf lot is currently improved with a single-family residence and attached garage and is generally located on the east side of Columbia Street, south of Porter Avenue.

Staff concurs.

DISCUSSION:

The petitioner intends to demolish the existing single-family residence and build a new single-family residence located 30' from the front property line, which is in compliance with the property's R1B zoning requirements. However, a 35' setback was platted on the subject property through the

underlying subdivision plat. Per Section 7-1-13 (Platted Setback and Building Lines) of the Naperville Municipal Code, “where a platted building or setback line is in conflict with the required yard provisions of Title 6, Zoning Regulations, of this Code, the more restrictive requirement shall apply.” Accordingly, improvements on the subject property must comply with the 35’ platted setback line, unless a deviation is granted.

The request is to permit the proposed side load attached garage to encroach 5’ into the platted building setback line. The total encroachment is limited in size at approximately 134 sf (26.71’ by 5’). As noted by the petitioner in the submitted response to standards, the subject property is partially located in the flood plain which eliminates the ability to construct a basement and limits the footprint of the home. Additionally, the new single-family home will be one story. The one-story height coupled with the limited size of the encroachment, minimizes the impact of the encroachment into the platted setback.

Pursuant to Section 7-1-13 (Platted Setbacks and Building Lines) of the Subdivision Regulations, Planning and Zoning Commission review is not required for the requested deviation. The requested deviation, if approved, will be subject to compliance with the approved site plan. If the petitioner were to seek any additional improvements in the future which encroached further into the platted building line or zoning setback, an additional deviation and/or variance would be required to be processed.

The petitioner has also submitted a Preliminary/Final Plat of Subdivision to establish the subject property as a legal lot of record. This plat is subject to administrative review and approval and does not require any action by the City Council.

Findings of Fact

The petitioner’s responses to the Standards for granting a Subdivision Deviation are attached. Staff is in general agreement with the petitioner’s Findings and recommends their adoption by the City Council.

Key Takeaways

- The petitioner is requesting a deviation to the 35’ platted building line for the property located at 426 South Columbia Street to construct a single-family residence 30’ from the front property line.
- Staff supports the proposal given the encroachment is limited to the side loaded garage and the encroachment complies with the underlying zoning district front yard setback requirement.

FISCAL IMPACT:

N/A